

SENATE JOURNAL

Thirty-ninth Legislature—First Called Session

FIRST DAY.

Senate Chamber,
Austin, Texas,

Monday, September 13, 1926.

In obedience to the call of Her Excellency, Hon. Miriam A. Ferguson, Governor of the State of Texas, convening the Thirty-ninth Legislature in First Called Session this, the 13th day of September, 1926, the Senate met in the Senate Chamber of the Capitol of Austin at 12 o'clock noon, and was called to order by Lieutenant Governor Barry Miller.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary—W. V. Howerton.

Sergeant-at-Arms—Captain A. W. Holt.

Doorkeeper—C. K. Walters.

Journal Clerk—R. M. Gilmore.

Chaplain—Randolph Clark.

Roll Call.

The Chair directed the roll called. A quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Absent.

Hardin of Kaufman

Prayer by Rev. Dr. Jewett.

1—Senate.

Proclamation by the Governor of the State of Texas.

The Chair directed the reading of the following proclamation, convening the Session:

PROCLAMATION:—I, MIRIAM A. FERGUSON, Governor of Texas, do hereby call the Legislature of Texas to be convened at the State Capitol in the City of Austin on the 13th day of September, 1926, for the following purposes:

1.

To pass necessary and proper legislation that will validate and legalize State, County, Commissioners' Precinct and Special Road District Bonds and Securities whose validity has been brought in question by the decision of any State or Federal Courts, or otherwise. And to cure any defects in the issuance of said bonds or securities, or to provide by proper legislation to make said bonds or securities binding and valid debts and obligations of the authority issuing the same.

2.

To make such investigation of any Department of the State Government that the Legislature may desire to make.

3.

To consider any other subject or matter which may be submitted to said Special Session by the Governor.

Done in the City of Austin this the 26th day of July, 1926.

(Seal.) MIRIAM A. FERGUSON,
Governor of Texas.

Attest:

D. A. GREGG,
Acting Secretary of State.

THE STATE OF TEXAS,
Department of State.

I, Emma Grigsby Meharg, Secretary, do hereby certify that the attached and foregoing instrument of writing is a true and correct copy of

25532 *

PROCLAMATION

issued by the Governor of Texas, calling the Thirty-ninth Legislature in Special Session, September 13th, 1926.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 13th day of September, A. D. 1926.
(Seal.)

EMMA GRIGSBY MEHARG,
Secretary of State.

New Member Qualified.

The Chair had read to the Senate the following credential of the election of Hon. Ed. Westbrook as Senator from the Ninth District.

THE STATE OF TEXAS,
Department of State,

I, Emma Grigsby Meharg, Secretary of State of the State of Texas, by virtue of the authority vested in me under the laws of this State do hereby certify to your Honorable Body the name of Ed Westbrook, elected at a special election held in the Ninth Senatorial District, composed of the counties of Cooke, Fannin and Grayson, to fill the unexpired term of Hon W. S. Moore, resigned, said election having been held in said district on September 4, 1926.

In Testimony Whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this 13th day of September, A. D. 1926.

EMMA GRIGSBY MEHARG,
Secretary of State.

Oath Administered.

Senator Bailey moved that the notice of election be accepted and that Senator Westbrook be seated as a member of the Senate, representing the Ninth District.

The motion was adopted, and,

The Chair appointed Senators Bailey and Smith to escort Senator Westbrook to the president's stand, whereupon the constitutional oath of office was administered by Lieutenant Governor Miller.

Election of Officers and Employees.

Senator Bailey offered the following caucus report which provided for

the election of the officers and employees for the session:

Senate Chamber,
Austin, Texas,

Monday, September 13, 1926.

Hon. Barry Miller, Lieutenant Governor:

A caucus was held in the office of the Senate, attended by 30 Senators, and by unanimous vote of those present it was agreed that those Senators present holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate officers and employees for the ensuing First Called Session of the Thirty-ninth Legislature. Senator Jno. H. Bailey was elected chairman of the caucus, and Senator T. G. Pollard was elected secretary.

The following officers and employees were recommended as officers and employees of the Senate during the First Called Session of the Thirty-ninth Legislature:

Secretary: W. V. Howerton.

Assistant Secretary: Morris C. Hankins.

Journal Clerk: R. M. Gilmore.

Assistant Journal Clerk: Miss Ann Egan.

Second Assistant Journal Clerk: Rebecca Bradley.

Sergeant-at-Arms: Capt. A. W. Holt.

First Assistant Sergeant-at-Arms: Morris Midkiff.

Second Assistant Sergeant-at-Arms: J. S. Brackeen.

Third Assistant Sergeant-at-Arms: Lee Long.

Calendar Clerk: Mrs. Martha H. Bradfield.

First Assistant Calendar Clerk: Garland Porter.

Second Assistant Calendar Clerk: Mrs. Grace Jennings.

Mailing Clerk: Mrs. Fred Polglass.

First Assistant Mailing Clerk: Mrs. Reese Wilson.

Second Assistant Mailing Clerk: Miss Edith Bentley.

Postmistress: Mrs. W. L. Hall.

Chaplain: Dr. Randolph Clark.

Notary Clerk: Ed Teagel.

Messengers (two): J. J. McCullough and J. D. Bradfield, each to receive \$2.50 per day.

Telephone Operator: Miss Mary Jacobs, to receive \$5.00 per day.

Doorkeeper: C. K. Walters.

First Assistant Doorkeeper: H. J. Fowler.

Second Assistant Doorkeeper: Morris Whitsett.

It is further recommended that the Chairman of the Enrolling and Engrossing Committees be authorized to employ Enrolling and Engrossing Clerks, and such Assistants as necessary, and that their appointments be referred to the Senate for confirmation. And that the Chief Enrolling and Engrossing Clerks shall each receive \$7.50 per day, respectively, for their services, and such assistants as necessary to receive \$5.00 per day.

It is further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk of each committee, for which said Senator shall be chairman, save and except that this does not apply to the Chairman of the Finance Committee and the Finance Committee.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and employees named, except as otherwise expressly provided, shall receive \$5.00 per day, except that the Secretary of the Senate and the Journal Clerk and Sergeant-at-Arms shall each receive \$7.50 per day, and except further the pages shall receive \$3.00 per day, and porters shall receive \$3.00 per day, the head porter receiving \$4.00 per day.

It is further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the Lieutenant Governor be permitted to select a secretary and an assistant secretary and personal messenger, and that their salaries be the same as during the Regular Session of the Thirty-ninth Legislature.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that

2000 copies of the Daily Journal be printed and that the same be prorated among the Senators and the Lieutenant Governor; except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month.

It is further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in the transmitting and receiving of telephone messages and telegraph messages, express charges that may be actually necessary in the discharge of his official duty.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee, and a stenographer to the Finance Committee, and that their salaries be the same as during the Regular Session of the Thirty-ninth Legislature.

It is further recommended that each Senator and the Lieutenant Governor be permitted to subscribe to three daily papers, to be paid for out of the contingent fund.

JNO. H. BAILEY, Chairman.

TOMAS G. POLLARD, Secretary.

The report was read and unanimously adopted.

The officers were assembled en masse at the bar of the Senate and administered the constitutional oath of office. All being present.

President Pro Tem.—Election of.

The Chair announced that nominations for the election of President Pro Tem., as required by the Constitution, were in order.

Senator Murphy placed in nomination Senator J. G. Strong.

Senator Bailey seconded the nomination.

Senator Holbrook moved that nominations be closed. The motion was adopted.

Senators Murphy and Bailey, as tellers, who, after the vote was canvassed, reported that Senator Strong had received 28 votes, a majority of all votes cast.

The Chair declared Senator Strong duly and constitutionally elected as

President Pro Tem. of the Senate, for First Called Session of the Thirty-ninth Legislature.

Senators Bailey and Ward were appointed to escort Senator Strong to the Chair, whereupon the constitutional oath of office was administered him by Lieutenant Governor Miller. Senator Strong was presented to the Senate, and thanked the members for the honor conferred on him.

Committee Appointments.

The Chair announced the appointment of Standing Committees as of the Regular Session, designating Senator Westbrook to serve on all committees of former Senator W. S. Moore, except the Committee on nominations by the Governor.

The Chair announced the appointment of Senator Lewis on the Committee for Nominations by the Governor, succeeding Senator W. A. Moore, resigned.

Simple Resolution No. 1.

By Senator Bailey:

Be It Resolved, That the President of the Senate appoint a committee of three Senators to notify the Governor that the Senate has completed its organization and is ready to receive from her such messages as she may deem fit to transmit to it.

Be It Further Resolved, That the President of the Senate appoint a committee of three Senators to inform the House of Representatives that the Senate has completed its organization and is now ready to proceed to business.

The resolution was adopted and the Chair appointed Senators Wood, Bledsoe and Moore to notify the House, who later made their report.

Simple Resolution No. 2.

By Senator Davis:

Be It Resolved by the Legislature of the State of Texas, That the rules of the Regular Session of the Thirty-ninth Legislature be and the same are hereby adopted as the rules of the Senate for the First Called Session of the Thirty-ninth Legislature.

The resolution was read and adopted, and

The Chair appointed on the Committee Senators Westbrook, Ward, and Fairchild to notify the Governor, who later made their report.

Senate Concurrent Resolution No. 1.

By Senator Bailey:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the joint rules of the House and Senate of the Regular Session of the Thirty-ninth Legislature be and the same are hereby adopted as the Joint Rules of the First Called Session of the Thirty-ninth Legislature.

The resolution was read and adopted.

Recess.

On motion of Senator Bledsoe the Senate, at 12:35 o'clock p. m., recessed until 2:30 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller.

The committees appointed at the Morning Session to notify the Governor and the House of Representatives that the Senate was organized and ready for business, made their report.

Bills and Resolutions.

By Senator Bailey:

S. B. No. 1, A bill to be entitled "An Act validating and legalizing the creation of road districts; validating and legalizing the authorization, issuance and sale of bonds issued by or on behalf of road districts, and the levy of taxes for the payment thereof; authorizing the assessment and collection of general ad valorem taxes in all such road districts for the payment of all road district bonds now outstanding; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employees of the First Called Session of the Thirty-ninth Legislature of the State of Texas; to pay the unpaid warrants held by members, officers and employees of the Regular Session of the Thirty-ninth Legislature; to pay the per diem of the employees for post-session work of the Regular Session of the Thirty-ninth Legislature; to pay the contingent expenses of the First Called

Session of the Thirty-ninth Legislature of the State of Texas; to pay the contingent expenses of the post-session of the Regular Session of the Thirty-ninth Legislature and to pay the contingent expenses of the pre-session work of the First Called Session of the Thirty-ninth Legislature; to pay the per diem of the members, officers and employees for the pre-session work of the First Called Session of the Thirty-ninth Legislature, convened on the 13th day of September, 1926, by proclamation of the Governor; providing how accounts may be approved and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Murphy:

S. B. No. 3, A bill to be entitled "An Act ratifying, confirming, approving and validating certain orders and notices of the commissioners' court of Harris County, Texas, relating to the issuance of the bonds of Harris County in the total sum of six million dollars, for the purpose of the purchase of district roads and the further construction, maintenance and operation of macadamized, graveled or paved roads or turnpikes, or in aid thereof, and to the levy of a tax upon all of the taxable property in said county, for the purpose of paying the interest on said bonds and providing a sinking fund for the redemption thereof at maturity; ratifying, confirming, approving and validating, the election at which such bonds were voted, the notices of said election, the time of the publication and posting of such notices, and the form of ballot used thereat; ratifying, confirming, approving and validating the amount of bonds fixed in the order of said commissioners' court calling said election, and finding the same to be proper and necessary for the purposes set forth in said order calling said election, authorizing Harris County to issue and sell said bonds and use the proceeds thereof for the purposes set forth in said order of said commissioners' court calling said election; declaring said bonds as and when issued and sold to be the legal, valid and binding obligations of Harris County; authorizing Harris County to levy upon all taxable property in said county and collect sufficient taxes to pay the interest on said bonds and provide a sinking fund for the pay-

ment of said bonds at maturity; directing the Attorney General to approve and certify said bonds as the valid and binding obligations of Harris County issued in conformity with the Constitution and laws; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 4, A bill to be entitled "An Act ratifying, confirming, approving and validating certain orders and notices of the commissioners' court of Harris County, Texas, relating to the issuance of the bonds of Harris County in the total sum of one million dollars for the purpose of the construction, maintenance and operation of macadamized, graveled, or paved roads or turnpikes, or in aid thereof, and to the levy of taxes upon all of the taxable property in said county, for the purpose of paying the interest on said bonds and providing a sinking fund for the redemption thereof at maturity; ratifying, confirming, approving and validating the election at which such bonds were voted, the notices of said election, the time of the publication and posting of such notices, and the form of ballot used thereat; ratifying, confirming, approving and validating the amount of bonds fixed in the order of said commissioners' court calling said election and finding the same to be proper and necessary for the purposes set forth in said order of said commissioners' court calling said election; declaring said bonds so issued and sold to be legal, valid and binding obligations of Harris County; authorizing Harris County to levy upon all taxable property in said county and collect sufficient taxes to pay the interest on said bonds and provide a sinking fund for the payment of said bonds at maturity; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 5, A bill to be entitled "An Act authorizing, approving, ratifying, confirming and validating all bonds heretofore or hereafter issued by any county in this State for the purpose of the construction, or purchase, or construction and purchase, of district roads, and for the construction, maintenance and operation of macadamized, graveled or paved

roads and turnpikes or in aid thereof, in an amount not in excess of one-fourth of the assessed valuation of the real property of such county, in pursuance of an election at which a two-thirds majority of the voting resident property taxpayers in such county, being qualified electors, voted in favor of the issuance of such bonds, and the levy and collection of taxes to pay the interest thereon and provide a sinking fund for the redemption thereof; approving, confirming, ratifying and validating all orders of the commissioners' court of such county authorizing the issuance of such bonds, the levy of such taxes; authorizing and empowering such county to levy upon all taxable property in such county and collect sufficient taxes to pay the interest upon such bonds and provide a sinking fund for the payment of such bonds at maturity; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 6, A bill to be entitled "An Act to create Road District No. 1, in Harris County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senator Bailey made the point of order that bills providing validation of road district bonds, being revenue raising measures, should originate in the House.

The Chair, Lieutenant Governor Miller, overruled the point of order.

Senate Concurrent Resolution No. 2.

By Senator Davis:

Whereas, Under the Constitution of the State of Texas, it is the duty of the Legislature to provide reve-

nues, and to make appropriations therefrom, for the economical administration of the Government; and,

Whereas, Under Section 49, of Article 3, it is further provided, that: "No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue * * * and the debt created to supply deficiencies in the revenue, shall never exceed in the aggregate at any one time two hundred thousand dollars"; and,

Whereas, By practice and precedent, and through a construction which is not in keeping with the clear intent and plain meaning of this provision of the Constitution, the Executive Department of this State for a number of years, has been creating debts to supply deficiencies in the revenue in the sum of one million dollars and more; now, therefore,

Be It Resolved, That the Senate of Texas, the House of Representatives concurring, doubt the constitutionality and question the wisdom of this practice on the part of the Executive Department of our State Government in assuming powers which the Constitution places with the Legislative Department. To extend the power of the Executive Department of the Government, so that debts may be created to exceed in the aggregate at any one time the sum of two hundred thousand dollars, running up into the millions of dollars is to cast an undue and improper burden upon the Legislative department of raising revenues to pay debts which it did not create. When it becomes apparent to the Governor of this State that the revenues provided by the Legislature and the appropriations made therefrom are insufficient to meet the just and proper demands of an economical administration of the Government, "and the debt created to supply deficiencies in the revenue" exceeds "in the aggregate at any one time two hundred thousand dollars," it is the duty of the Governor to convene the Legislature in Special Session to consider and determine what additional revenues shall be raised and the nature and amount of appropriations to be made therefrom for the economical administration of the Government.

Read and referred to Committee on Finance.

House Notification Committee.

A committee from the House of Representatives here appeared at the bar of the Senate and notified the Senate that the House was organized and ready for business.

Senate Bill No. 2—Passage of.

Senator Davis, chairman of the Finance Committee, filed a favorable report on S. B. No. 2, mileage, per diem and contingent appropriations, and moved that the report "be not printed." The motion was adopted.

Senator Davis moved that the Senate rule, requiring committee reports to lie over for one day be suspended, and the motion was adopted.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 put on its second reading, by the following vote:

Yeas—30.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Hardin of Kaufman

The Chair laid before the Senate, on second reading,

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employees of the First Called Session of the Thirty-ninth Legislature of the State of Texas; to pay the unpaid warrants held by members, officers and employees of the Regular Session of the Thirty-ninth Legislature; to pay the per diem of the employees for post session work of the Regular Session of the Thirty-ninth Legislature; to pay the contingent expenses of the First Called

Session of the Thirty-ninth Legislature of the State of Texas; to pay the contingent expenses of the past session of the Regular Session of the Thirty-ninth Legislature and to pay the contingent expenses of the pre-session work of the First Called Session of the Thirty-ninth Legislature; to pay the per diem of the members, officers and employees for the pre-session work of the First Called Session of the Thirty-ninth Legislature convened on the 13th day of September, 1926, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency.

Read first time and referred to Committee on Finance.

The bill was read second time and passed to engrossment.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Murphy.	Witt.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Hardin of Kaufman

S. B. No. 2 was read third time and finally passed, by the following vote:

Yeas—30.

Bailey.	Moore.
Berkeley.	Murphy.
Bledsoe.	Parnell.
Bowers.	Parr.
Davis.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Holbrook.	Russek.
Lewis.	Smith.
Miller.	Strong.

Stuart.	Wirtz.
Triplett.	Witt.
Ward.	Wood.
Westbrook.	Woodward.

Absent.

Hardin of Kaufman

Executive Message.

A messenger from the Governor's office here appeared at the bar of the Senate, delivering the following message:

Governor's Office,
Austin, Texas, Sept. 13, 1926.
To the Honorable Legislature of the
State of Texas, Austin, Texas.
Gentlemen:

Under authority conferred on the Governor, on the 26th day of July, 1926, I issued my official proclamation calling your Honorable body to be convened in Special Session at the State Capitol in the City of Austin on the 13th day of September, 1926, for the following purposes:

1.

To pass necessary and proper legislation that will validate and legalize State, County, Commissioners' Precinct and Special District Bonds or securities whose validity has been brought in question by the decision of any State or Federal courts, or otherwise. And to cure any defects in the issuance of said bonds or securities or to provide by proper legislation to make said bonds or securities binding and valid debts and obligations of the authority issuing the same.

2.

To make such investigation of any department of the State Government that the Legislature may desire to make.

3.

To consider any other subject or matter which may be submitted to said special session by the Governor.

As the Legislature has now convened in obedience to said proclamation I desire to again emphasize the purposes for which you have been convened and to respectfully urge your careful consideration of the same.

Bond Validation.

As the matter of bond validation was occasioned by the decision of the

Supreme Court in what is known as the Archer County case, I desire to call attention specially to the fact that whatever legislation may be passed by you must and of the necessity of the case be such legislation as will meet the objections and questions raised by the Supreme Court of the United States in said case. Any law of validation that does not meet the requirements of the decision in the Archer County case will be of no avail and will not be of any benefit to the credit of the state which has been impaired as the result of said decision.

Investigation of Departments.

In justice to all parties concerned I want to call attention to the powers now conferred upon the Legislature under said proclamation to investigate any department of the State Government. Recently grave charges have been made of irregularities in certain departments of the Government that border upon malfeasance and corruption by State officials. If the Legislature is of the opinion that such irregularities have existed or still exist, then in such event I urge a full and fair investigation while the Legislature is in session, and I pledge my full personal and official co-operation to that end and purpose. In view of the partisan discussion that has recently taken place I trust that the Legislature will take such action as will be in keeping with the best interests of the State. If there has been any official misconduct or corruption the people have a right to know it. If there has not been any official misconduct or corruption then the State ought not to bear an unfounded suspicion.

Other Subjects.

I may under the powers of the proclamation submit other subjects for your consideration, but I am not inclined to do so until the matter of bond validation and investigation of the departments shall have had ample opportunity for disposition.

Deficiencies.

Since adjournment of the Regular Session of the Legislature I have found it necessary to grant deficiency appropriations amounting to \$1,536,066.19. An itemized statement is hereto attached for your informa-

tion. The size of such deficiency appropriations perhaps requires explanation and reason therefor. During the summer of 1925 a dangerous malady known as the Foot and Mouth Disease broke out among the cattle herds in the territory between Houston and Galveston. The extent and prevalence of said disease at said time and place caused widespread alarm, extending to other states and nations. The National Government acted promptly in the premises and put a number of experts, veterinarians and inspectors upon the ground and a plan of co-operation between the Bureau of Animal Industry and our Live Stock Sanitary Commission was soon agreed upon. In accordance with the requirements of the Bureau of Animal Industry and our own Live Stock Sanitary Commission and in accordance with modern thought in dealing with this deadly disease it became necessary to promptly take possession of and kill many thousand head of cattle. In order to exercise this unusual authority it became necessary to make provision for the prompt payment of the value of the cattle killed to the owners. Under the regulations the National Government paid one-half and the State paid or was asked to pay the other half. As there was no appropriation available sufficient to take care of this expense I issued deficiency appropriations under approval of the Attorney General to the amount of \$577,000.00. This item alone constitutes more than one-third of the total of all deficiency appropriations issued. This outbreak of course was a calamity for which no one was directly responsible, but it was a situation which had to be promptly met and I therefore acted in the premises.

Tick Eradication.

By law duly passed at the Regular Session of the Legislature the State entered upon a fixed policy of tick eradication. The amount appropriated by the Legislature was found to be far short of the requirements of such policy and I therefore have issued deficiency appropriations for said purpose to the amount of \$209,000.00.

West Texas Technological College.

Unexpected growth and increase in attendance made it necessary to grant

deficiency appropriations to the West Texas Technological College to the amount of \$123,180.00.

Expenses of Legislature.

To complete the work and provide for the proper record of the proceedings of the Regular Session of the Legislature I granted a deficiency appropriation of \$15,900.00 for the contingent expense fund of the Legislature.

University Summer School.

To supply the needs of the State University for a Summer School I granted a deficiency appropriation of \$100,000.00 for that purpose.

A. & M. College.

To meet the extra needs of the A. & M. College a deficiency appropriation of \$96,000.00 was granted.

C. I. A.

To supply the necessary lights, heat and power to the students of the College of Industrial Arts a deficiency appropriation of \$45,000.00 was allowed.

Teachers Colleges.

To supply the extra needs of the State Teachers Colleges a deficiency appropriation of \$116,000.00 was allowed.

Eleemosynary Institutions.

To care for the extra needs of the wards of the State in our different asylums and other institutions a deficiency appropriation of \$204,500.00 was allowed.

All Other Departments.

To meet the demands of all other departments deficiency appropriations amounting to \$156,486.00 were allowed.

These items constitute the distribution of this apparently large deficiency appropriation, and in this connection it will not be forgotten that none of these appropriations were allowed until after due and formal application was made for the same by the governing heads of each department and institution and upon their urgent plea for the same declaring an imperative necessity therefor. I trust that the Legislature will

TEXAS STATE LIBRARY
Austin, Texas

make prompt appropriations for the payment of all said deficiency appropriations.

In this connection I am pleased to advise that at the beginning of the fiscal year, September 1, 1926, there was to the credit of the general revenue \$7,514,576.70. The payment of the deficiency appropriations can be made without any inconvenience to the Treasury.

Other Funds.

Previous to my coming into office one L. W. Pierce was indicted in the District Court of Smith County upon the charge of murder. He gave bond for his appearance and forfeited the same, amounting to some \$7500.00 by non-appearance on the day set for trial. I offered a reward of \$1250.00 for the arrest and conviction of said defendant. Application was made to me for the remission of the forfeiture of said bond and it was made to appear that it would work great financial loss and hardship upon the bondsmen if they were required to pay the full sum of said bond. It also appeared that the bondsmen had made diligent effort to secure the re-arrest and apprehension of the defendant. I finally agreed to remit the forfeiture of said bond if the bondsmen would deposit the sum of \$2000.00 to defray the expense in the re-arrest and apprehension of said L. W. Pierce and to pay the reward offered by me upon his final conviction. Said defendant has been re-arrested and tried in the District Court and has received a five year sentence in the Penitentiary. His case is now on appeal. Out of said sum coming into my hands I paid the sum of \$552.42 to defray the expense of re-arrest and apprehension of said defendant. There remains now in my hands out of said sum of \$2000.00 the sum of \$1447.58.

Condition of the State.

The condition of Texas is at present prosperous and gratifying. The farmers have made average crops and many thousands of acres of new land are coming under the plow. The cattle industry again seems to be on the road to decided and marked improvement. Texas bids fair to become the greatest dairy state in the Union. The agricultural value of the

1926 crops will be in round numbers one and a half billion dollars, which, divided by a population of five million people will represent a per capita production from the soil of \$300.00 for every man, woman and child in the State, or \$1,500.00 for the average family of five. Great is Texas. Oil is being discovered in paying quantities in every section of the State. The vast deposits of lignite coal are being used to supply immense power plants costing millions of dollars. Other minerals will yet be found in Texas of great value. The matter of irrigation and reclamation is receiving the attention in different parts of the State in the way of immense investments for said purposes. New railroads are being built in the undeveloped sections of the State. Foreign capital is flowing into Texas by the hundreds of millions of dollars. Our State Government is functioning in every way toward the end of building and establishing more schools and roads and factories. Our State tax rate has been reduced and the great development that is going on in our State along industrial, educational and scientific lines aided by millions of outside capital shows that the world has its eye on Texas with confidence in our people and our government.

Personal Invitation.

I trust that the labors of the Special Session will be profitable and harmonious. I desire to tender my full cooperation in the labors of your body. To that end I want to extend a personal and official invitation to each and every member of the Legislature to visit the Executive offices for any purpose, official or personal. The campaign has just closed and whether you voted for me or not in the recent election makes no difference. You and I are the public servants of the people and the partisan discussion and the acrimonies of political campaigns should close with the end of the campaign, at least to the extent of permitting the same to in no way interfere with the public service.

I therefore bid each and every member of the Legislature a sincere welcome to the Executive offices.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor.

SENATE JOURNAL.

11

DEFICIENCY APPROPRIATIONS.

Name, Date and Purpose	Amount.
Industrial Accident Board, May 18, 1925—G-704—Books, Stationery, Office Supplies	\$ 500.00
Industrial Accident Board, May 18, 1925—G-705—Employment, Physician's Expenses	300.00
Industrial Accident Board, March 5, 1926—H-762—Books, Stationery and Printing	1,200.00
Industrial Accident Board, March 5, 1926—H-766—Postage, Box Rent, Telegraph	300.00
Comptroller's Department, May 26, 1925—G-529—Spec. Auditors	2,000.00
Comptroller's Department, February 23, 1926—H-591—Traveling Expenses	10,000.00
Comptroller's Department, August 25, 1926—Traveling Expenses	500.00
Comptroller's Department, May 26, 1925—G-528—Postage, Telephone, Telegraph, Ice, etc.	2,500.00
Court of Criminal Appeals, June 6, 1925—G-107—Furniture, Typewriters, etc.	175.00
Attorney General, July 8, 1925—G-381—Typewriters, Postage, Telephone, Telegraph and Cont.	600.00
Education Department, July 15, 1925—G-423—Expenses Text-book Commission	1,000.00
Education Department, August 28, 1925—G-422—Printing	2,500.00
General Land Office, August 20, 1925—G-803—Blue Print	500.00
General Land Office, August 20, 1925—G-799—Postage, Stationery	600.00
Live Stock Sanitary Commission, November 13, 1925—H-823—State Veterinary Assistant	36,000.00
Live Stock Sanitary Commission, November 13, 1925—H-825—Investigation of Diseases	215,000.00
Live Stock Sanitary Commission, November 31, 1925—H-828—Office Maintenance	1,000.00
Live Stock Sanitary Commission, November 13, 1925—G-860 ½—Destruction of Livestock	300,000.00
Live Stock Sanitary Commission, July 21, 1926—G-860 ½—Destruction of Livestock	35,000.00
Live Stock Sanitary Commission, December 28, 1925—H-818—Inspectors' December Salary	22,500.00
Live Stock Sanitary Commission, January 21, 1926—H-818—Inspectors' January Salary	22,500.00
Live Stock Sanitary Commission, February 23, 1926—H-818—Inspectors' February Salary	22,500.00
Live Stock Sanitary Commission, March 11, 1926—H-818—Inspectors' March Salary	23,500.00
Live Stock Sanitary Commission, April 9, 1926—H-818—Inspectors' April Salary	23,500.00
Live Stock Sanitary Commission, May 3, 1926—H-818—Inspectors' May Salary	24,000.00
Live Stock Sanitary Commission, June 14, 1926—H-818—Inspectors' June Salary	24,500.00
Live Stock Sanitary Commission, July 19, 1926—H-818—Inspectors' July Salary	24,500.00
Live Stock Sanitary Commission, August 4, 1926—H-818—Inspectors' August Salary	24,500.00
Commission of Appeals, October 31, 1925—H-1121—Stenographer	1,791.66
Fire Insurance Commission, April 14, 1926—H-699—Postage, Box Rent	1,500.00
Health Department, April 27, 1926—H-507—Postage	200.00
Health Department, April 27, 1926—H-506—Printing, Publishing	100.00

Name, Date and Purpose	Amount.
Health Department, April 27, 1926—H-509—Telephone and Telegraph	200.00
Health Department, April 27, 1926—H-525—Traveling Expense	200.00
Health Department, April 27, 1926—H-526—Traveling Expense (Main Division)	300.00
Health Department, April 27, 1926—H-528—Postage, Box Rent, etc.	500.00
Health Department, April 27, 1926—H-530—Contingent Fund	2,000.00
Health Department, April 27, 1926—H-536—Printing, Filing Cases	300.00
Health Department, April 27, 1926—H-537—Stamps, Telephone, Telegraph	200.00
Health Department, April 27, 1926—H-539—Supplies	500.00
Health Department, April 27, 1926—H-540—Malaria Control	2,500.00
Health Department, April 27, 1926—H-541—Telephone and Telegraph	300.00
Thirty-ninth Legislature, July 21, 1925—G-1051—Contingent Expenses	15,915.76
State's Attorney, May 28, 1926—H-1107—Postage, Telegraph	50.00
Court of Civil Appeals, 11th, May 26, 1925—H-1086—Record Books, etc.	900.00
Board of Pardons, August 31, 1926—H-538—Contingent	70.00
Board of Water Engineers, July 6, 1926—H-551—Stream Measurement	1,000.00
Texas Technological College, November 10, 1925—H-98 ½—Contingent	68,180.00
Texas Technological College, November 10, 1925—H-97—Department Maintenance, Contingent	5,000.00
Texas Technological College, April 19, 1926—H-97 ½—Fuel and Light	2,000.00
Texas Technological College, April 19, 1926—H-98 ½—Contingent	23,000.00
Texas Technological College, April 19, 1926—H-97—Department Maintenance	25,000.00
North Texas State Teachers College, June 12, 1925—H-65—Salaries	5,000.00
North Texas State Teachers College, February 3, 1926—H-4—Repairs, Improvement, Replacement	35,600.00
Southwest Texas State Teachers College, February 3, 1926—H-8—Contingent	5,000.00
Southwest Texas State Teachers College, February 3, 1926—H-9—Fuel, Water	1,500.00
West Texas State Teachers College, February 3, 1926—H-22—Repairs, Improvements, Equipment	11,775.00
West Texas State Teachers College, February 3, 1926—H-21—Fuel, Light, Heat, Power	1,500.00
Stephen F. Austin State Teachers College, February 15, 1926—H-11—Summer School	11,600.00
University of Texas, February 25, 1926—H-32—Contingent	100,000.00
West Texas State Teachers College, March 8, 1926—H-20—Contingent	7,500.00
South Texas State Teachers College, March 16, 1926—H-14—Contingent Fund	25,000.00
Sam Houston State Teachers College, March 19, 1925—H-25—Improvements and Repairs	8,000.00
West Texas State Teachers College, May 12, 1926—H-21—Fuel, Light, Heat, Power	4,000.00
A. & M. College, May, 12, 1926—H-41—Dairy Husbandry	12,000.00
A. & M. College, May 12, 1926—H-42—Repairs, etc.	41,000.00
John Tarlton Agriculture College, May 12, 1926—H-79—Fuel, Lights and Water	5,000.00

North Texas Agricultural College, May 1, 1926—H-84—Lights, Heat, Water and Power	2,708.77
Prairie View State Normal and Industrial College, May 12, 1926—H-88—Repairs and Remodeling of Building	36,000.00
College of Industrial Arts, July 7, 1926—H-93—Lights, Heat and Power	45,000.00
State Tuberculosis Sanitorium, July 9, 1925—G-1022—Support and Maintenance	16,000.00
Confederate Home, April 6, 1926—H-125—Repairs, etc.	17,000.00
Girls Training School, May 21, 1926—H-196—Repairs	22,000.00
Girls Training School, May 21, 1926—H-193—Support and Maintenance	3,000.00
State Tuberculosis Saniforium, May 27, 1926—H-322—Support and Maintenance	15,000.00
Wichita Falls State Hospital, June 4, 1926—H-234—General Repairs, etc.	45,500.00
Wichita Falls State Hospital, August 30, 1926—H-228—Support and Maintenance	4,000.00
State Orphans Home, June 4, 1926—H-313—General Repairs	30,000.00
Austin State Hospital, June 19, 1926—H-276—Support and Maintenance	32,000.00
State Juvenile Training School, July 13, 1926—H-263—Support and Maintenance	20,000.00

Appointments by Lieutenant Governor.

Lieutenant Governor Miller here announced the following appointments, as provided:

Private Secretary—Sloan Blair.

Private Messenger—Joe Erwin.

Page to Lieutenant Governor—W. Winston Lovelace.

Pages—Walter A. Harper, Elwood Brown, Boyd Laughlin, George K. Jowers, Maurice Morgan, Robert Cox, John McKay, Jr., Chas. A. Wheeler, C. C. Dorsey, Tom Bagby, Bobby Randolph, William Pruitt, Harvey Pulliam, Charles Pratt, Billy Moore, John Taylor.

Porters—Jim Jackson, head porter; Sam Grant, Buck Green, Tom Burton, William Kurr, Henry Kennedy.

Adjournment.

On motion of Senator Wood, the Senate, at 3:35 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, Sept. 13, 1926.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 2, A bill to be entitled

"An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employees of the First Called Session of the Thirty-ninth Legislature of the State of Texas; to pay the unpaid warrants held by members, officers and employees of the Regular Session of the Thirty-ninth Legislature; to pay the per diem of the employees for post session work of the Regular Session of the Thirty-ninth Legislature; to pay the contingent expenses of the First Called Session of the Thirty-ninth Legislature of the State of Texas; to pay the contingent expenses of the post session of the Regular Session of the Thirty-ninth Legislature and to pay the contingent expenses of the pre-session work of the First Called Session of the Thirty-ninth Legislature; to pay the per diem of the members, officers and employees for the pre-session work of the First Called Session of the Thirty-ninth Legislature, convened on the 13th day of September, 1926, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.